

MAY 04 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mitchell C. Hand

Serial No.: 10/625,297

Examiner: B. Zeade

Filed: July 22, 2003

Art Unit: 2875

For: LUMINAIRES HAVING PATTERNED SURFACES

**RECORD OF INTERVIEW**

Honorable Commissioner for Patents

Alexandria, Virginia 22313

Sir:

On receiving the Official Action dated April 13, 2005, the applicant's representative requested an interview with Examiner Zeade and his supervisory Examiner, Ms. O'Shea. The interview was held on or about April 19, 2005 by telephone. This interview was the second interview in this matter, the first interview being held on January 14, 2005, between the applicant's representative,, Examiner Zeade and Examiner Alavi who was acting in the place of Ms. O'Shea.

During the first interview, as reflected in the Amendment filed by fax on January 18, 2005, the applicant's representative, Examiner Zeade and Examiner Alavi reached certain conclusions and understandings with the two examiners indicating that a further search would be conducted in view of the deficiencies of the primary reference, the Kawahara patent, as argued by the applicant's representative during the interview and repeated in the Amendment and as was accepted by Examiners Zeade and Alavi.

CERTIFICATE OF TRANSMISSION: I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on this 4<sup>th</sup> day of May, 2005.

  
Kenneth E. Darnell, Reg. No. 26541

The Official Action dated April 13, 2005, put aside the understanding reached during the interview of January 14, 2005, and repeated essentially the same rejections based on a deficient reference. Other objections having little or no basis were also raised in the Official Action dated April 13, 2005.

The applicant's representative attempted to point out during the interview recently held in April that Examiner Zeade had repeated his rejections based on Kawahara in spite of the understandings reached during the interview of January 14, 2005. Examiner Zeade only weakly attempted to justify this failure to honor his and Examiner Alavi's statements made on January 14, 2005. Although not having been present during the interview of January 14, 2005, and not having heard the arguments presented by the applicant's representative at that time, Ms. O'Shea indicated that she had decided to maintain the rejections based on Kawahara and that she would be the "one to sign off on this case".

Having had prior unsatisfactory conversations with Ms. O'Shea in the past relative to other matters, the applicant's representative saw no point in arguing the matter with Ms. O'Shea. Her mind was obviously made up.

The applicant's representative then requested a reasoned discussion relative to the newly asserted 112 and new matter rejections and attempted to argue the invalidity of these two grounds of rejection in order to reduce the issues on appeal. Ms. O'Shea countered with profanity and the interview was terminated by the applicant's representative as being a waste of his time and his client's resources.

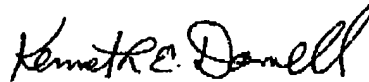
The interview was in essence continued through attempts by the applicant's representative to reach Ms. O'Shea's supervisor, Ms. Falcone, by phone to discuss the

situation. Attempts were made by Ms. O'Shea to avoid identifying her supervisor or her supervisor's telephone number.

The applicant's representative reached Ms. Falcone on May 3, 2005, and the above matters were discussed as well as other matters relating to a prior instance when Ms. O'Shea had to be removed from examination of a patent application prosecuted by the applicant's representative. Discussion as to the lack of effective supervision by Ms. O'Shea of junior examiners was also held, this position being that of the applicant's representative.

During the interview of May 3, 2005, Ms. Falcone indicated that she would investigate the situation including a request by the applicant's representative to remove Ms. O'Shea from the present application.

Respectfully submitted,



Kenneth E. Darnell  
Reg. No. 26541

2010 West 7<sup>th</sup> Street  
Coffeyville, Kansas 67337  
620 251-1947